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State v. Haight Respondent's Brief Dckt. 39701

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IN THE SUPREME COURT OF THE STATE OF IDAHO

COPY

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

G.W. HAIGHT,

Defendant-Appellant.

NO. 39701

BRIEF OF RESPONDENT

APPEAL FROM THE DISTRICT COURT OF THE FIRST JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF KOOTENAI

HONORABLE BARRY WATSON, Magistrate Judge
HONORABLE CARL B. KERRICK, District Judge

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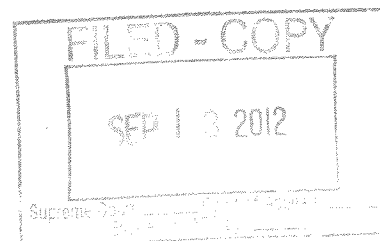


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STATEMENT OF THE CASE

Nature Of The Case

The magistrate court entered a judgment finding that Gary Wayne Haight committed the infraction of failing to signal a lane change. Haight appeals *pro se* from the district court's appellate decision affirming the magistrate's decision.

Statement Of Facts And Course Of Proceedings

Kootenai County Sheriff's Department Deputy Erik Hedlund issued Haight an infraction citation for "fail[ure] to signal with reasonable safety," a violation of I.C. § 49-808. (R., p.6.) A court trial was held and Haight and Deputy Hedlund were the only witnesses who testified. (Tr., p.8, L.23 - p.59, L.14.) The magistrate court found that Haight committed the infraction and imposed a fine. (R., p.29; Tr., p.62, L.2 - p.65, L.5.)

Haight appealed to the district court. (R., pp.30, 32.) The district court affirmed. (R., pp.62-65.) Haight filed a timely notice of appeal from the district court's decision. (R., pp.67-70.)

ISSUE

Haight states the issue on appeal as:

The purpose of this appeal is to determine whether a court of precedent will state explicitly what the courts below stated implicitly; that is, whether the slightest modicum of evidence is sufficient to support a criminal conviction beyond a reasonable doubt. Stated another way, the issue is whether, as the courts below held, any uncorroborated lay testimony, regardless of its weight and probative value, constitutes "substantial" evidence sufficient to support a criminal conviction of guilt beyond a reasonable doubt.

(Appellant's brief, p.4.)

The state rephrases the issue on appeal as:

Was there substantial, competent evidence presented to the magistrate court that supports its finding that Haight committed the infraction of turning movements and required signals?

ARGUMENT

The Magistrate's Finding That Haight Committed The Infraction Is Supported By Substantial And Competent Evidence

A. Introduction

The magistrate court found that Haight committed the infraction of turning movements and required signals. Haight appealed this finding to the district court, which affirmed the magistrate's ruling. Haight argues that there was insufficient evidence presented at the court trial because Deputy Hedlund's testimony was less credible than Haight's "clear, concise and detailed testimony." (Appellant's brief, p.8.) Haight's argument is meritless.¹

B. Standard Of Review

On review of a decision rendered by a district court in its intermediate appellate capacity, the reviewing court "directly review[s] the district court's decision." State v. DeWitt, 145 Idaho 709, 711, 184 P.3d 215, 217 (Ct. App. 2008) (citing Losser v. Bradstreet, 145 Idaho 670, 183 P.3d 758 (2008)). The appellate court "examine[s] the magistrate record to determine whether there is

¹ Haight also argues that "[i]f indeed the evidence in this case is deemed sufficient to support such a verdict then the time has come for the courts to suspend giving lip service to 'substantial' and 'reasonable doubt' and to establish the clear rule that any admissible evidence is substantial and will satisfy the State's burden to prove guilt." (Appellant's brief, p.11.) However, the record shows that the magistrate court and the district court both applied the correct legal standards in this case. To the extent Haight is raising new issues, they are not properly before this Court, and should not be considered. State v. Bailey, 117 Idaho 941, 943, 792 P.2d 966, 968 (Ct. App. 1990) ("It is well settled that an appellant may not raise issues before this Court that he has not raised and preserved before the district court in its capacity as an intermediate appellate court.").

substantial and competent evidence to support the magistrate's findings of fact and whether the magistrate's conclusions of law follow from those findings.” DeWitt, 145 Idaho at 711, 184 P.3d at 217. “If those findings are so supported and the conclusions follow therefrom and if the district court affirmed the magistrate's decision, [the appellate court] affirm[s] the district court's decision as a matter of procedure.” Id. (citing Losser, 145 Idaho 670, 183 P.3d 758; Nicholls v. Blaser, 102 Idaho 559, 633 P.2d 1137 (1981)).

C. Haight Has Failed To Meet His Burden Of Showing That The Magistrate's Finding Is Not Supported By Substantial And Competent Evidence

A traffic infraction is treated the same as a criminal offense for the purposes of trial and appeal. See I.C. § 49-1502. “When a criminal action has been tried to a court sitting without a jury, appellate review of sufficiency of the evidence is limited to ascertaining whether there is substantial evidence upon which the court could have found that the prosecution met its burden of proving the essential elements of the crime beyond a reasonable doubt.” State v. Bettwieser, 143 Idaho 582, 588, 149 P.3d 857, 863 (Ct. App. 2006). A reviewing court may not substitute its judgment for that of the fact finder as to the credibility of the witnesses, the weight of the testimony or the reasonable inferences to be drawn from the evidence. State v. Vandenacre, 131 Idaho 507, 510, 960 P.2d 190, 193 (Ct. App. 1998); State v. Hickman, 119 Idaho 366, 367, 806 P.2d 959, 960 (Ct. App. 1991).

At the court trial in this case, Deputy Hedlund testified and Haight testified. (Tr., p.8, L.23 - p.59, L.14.) After hearing closing arguments from both sides, the magistrate court stated, “I have listened to the conflicting testimony in this case

this afternoon. I've had to weigh the credibility and demeanor of the witnesses and my ruling is — is based on that assessment.” (Tr., p.63, Ls.11-14.²) The magistrate court noted the officer testified “Mr. Haight did not use his right-hand turn signal in going from the left lane to the right lane or from the right lane into the exit. Mr. Haight said he did use his turn signal.” (Tr., p.64, Ls.15-18.) The magistrate court found that Deputy Hedlund’s testimony that Haight failed to use his turn signal was “credible” and determined that Haight committed the infraction. (Tr., p.64, L.19 - p.65, L.5.)

On appeal to the district court, Haight argued that there was insufficient evidence to support the magistrate court’s findings because Haight’s testimony “directly controverted” Deputy Hedlund’s testimony. (R., p.41.) The district court appropriately rejected that argument:

Having been presented with conflicting testimony, it became the responsibility of the magistrate court, as the finder of fact, to determine the credibility of the witnesses, the weight of testimony, and the reasonable inferences to be drawn from the evidence. The court did so, and found the Appellant in violation of I.C. § 49-808. This Court cannot substitute its judgment for that of the fact [sic] fact-finder.

(R., p.64.) The district court concluded by stating:

The decision of the magistrate court was made based upon that court's determination of the credibility of the witnesses, the weight of the testimony, and the reasonable inferences to be drawn from the evidence. The magistrate court found there was sufficient evidence to establish beyond a reasonable doubt that the Appellant violated I.C. § 49-808. Based upon the record before the Court, the magistrate's determination is affirmed.

(R., p.65.)


² Non-word verbalizations transcribed have been omitted from the quotes in this brief.

In this appeal, Haight again argues that there was insufficient evidence to support the magistrate court's finding because Haight believes that his testimony was more credible than Deputy Hedlund's. (See generally Appellant's brief.) However, this Court cannot substitute its judgment for that of the fact finder. Bettwieser, 143 Idaho at 588, 149 P.3d at 863. The record shows that there is substantial and competent evidence to support the magistrate court's finding that Haight committed the infraction. Therefore, this Court should affirm the district court's decision.

CONCLUSION

The state respectfully requests this Court to affirm the district court and magistrate.

DATED this 13th day of September 2012.



JASON M. GRAY
Deputy Attorney General

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13th day of September 2012, I caused two true and correct copies of the foregoing BRIEF OF RESPONDENT to be placed in the United States mail, postage prepaid, addressed to:

G.W. Haight, Esq.
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JMG/pm